

FLORIDA KEYS WILDERNESS ADJUSTMENTS

MAY 3 (legislative day, APRIL 13), 1982.—Ordered to be printed

Mr. McCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1519]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1519) to designate certain national wildlife refuge lands having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 1519 would designate as wilderness, upon their inclusion in the National Wildlife Refuge System, approximately 13 acres of land on North Cudjoe Key, Monroe County, Florida, which shall become part of the Florida Keys Wilderness. The bill would also exclude from the Wildlife Refuge System, approximately 25 acres of land comprising Raccoon Key, Florida, located within the Florida Keys Wilderness.

BACKGROUND AND NEED

The Great White Heron National Wildlife Refuge is composed of numerous islands in the Florida Keys. Two portions of Raccoon Key are included in this refuge: a 25-acre tract in the southwest section of the island and a quarter of an acre in the northeast. The larger tract was designated as part of the Florida Keys Wilderness in 1975 by Public Law 93-632.

On November 1, 1976, the Charles River Breeding Laboratories, Inc. purchased what the company believed to be an insured title for the entire Raccoon Key for fulfillment of a contractual agreement to supply rhesus monkeys to the Food and Drug Administration (FDA). The laboratory purchased these lands for the propagation of rhesus

monkeys essential for testing the safety of polio vaccine by the FDA's Bureau of Biologics.

In early 1977, facilities constructed by the laboratory were discovered by Fish and Wildlife Service personnel on the refuge portions of the island and an error in the company's title search was brought to light.

Of the various colonies of rhesus monkeys being developed by U.S. suppliers, Raccoon Key has the greatest potential for sustained production. The method of achieving the required production level is with an uncaged colony numbering approximately 2,000 monkeys. However, without constant policing by Service personnel such a large, free-roaming population would eventually invade the refuge area, a situation not compatible with either refuge or wilderness objectives. The construction of a high fence stretching out into the water was rejected as an ineffective solution due to the monkeys ability to climb or swim around it as well as an unsightly addition to a wilderness area.

The laboratory has already invested much valuable time in developing plans and constructing facilities on the Key. In an effort to resolve the situation, the company has agreed to purchase lands of equal value of Raccoon Key and transfer title of those lands to the United States for inclusion in the National Wildlife Refuge System. The laboratory has purchased title to a nearby 73-acre island, North Cudjoe Key, which they will exchange for Federal lands on Raccoon Key plus a differential payment of approximately \$66,000. Upon termination of the breeding project, the company will also convey title to the whole of Raccoon Key to the United States for inclusion in the refuge system. Therefore, eventually all of both islands, totalling 275 acres, will be under Fish and Wildlife jurisdiction, as opposed to the present 25 acres.

This land exchange is within the authority of the Secretary of the Interior under the National Wildlife Refuge System Administration Act, as amended. However, removal of a portion of Raccoon Key from the Wilderness System, as well as designation of the land to be acquired on North Cudjoe Key as wilderness, must be by an Act of Congress. S. 1519 will withdraw the 25 acres on Raccoon Key from the Wilderness System on the date these lands are withdrawn from the National Wildlife Refuge System. In addition, the bill will designate North Cudjoe Key as wilderness, to be effective when it is included in the refuge system.

LEGISLATIVE HISTORY

S. 1519 was introduced by Senator Tsongas on July 27, 1981. A hearing before the Public Lands and Reserved Water Subcommittee was held on February 11, 1982. At a business session on April 21, 1982, S. 1519 was ordered favorably reported without amendments.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in open business session on April 21, 1982, by unanimous vote of a quorum present recommended that the Senate pass S. 1519, without amendment.

The rollcall vote on reporting the measure was 18 yeas, no nays, as follows:

YEAS

NAYS

McClure
 Hatfield
 Domenici
 Wallop
 Warner
 Humphrey
 Murkowski
 Nickles
 East
 Heinz
 Jackson
 Johnston ¹
 Bumpers
 Ford
 Matsunaga ¹
 Melcher
 Tsongas ¹
 Bradley

COST AND BUDGETARY CONSIDERATIONS

S. 1519 authorizes no appropriations and should have no discernible impact on the Federal budget. The estimate of the Congressional Budget Office follows:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, D.C., April 22, 1982.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1519, a bill to designate certain national wildlife lands, as ordered reported by the Senate Committee on Energy and Natural Resources, April 21, 1982.

The bill reclassifies Raccoon Key, Florida, as non-wilderness, and classifies North Cudjoe Key, Florida, as wilderness (pursuant to its inclusion in the National Wildlife Refuge System), in order to make possible a land exchange involving these two areas. No significant additional cost to the government is expected to be incurred as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

¹ Indicates vote by proxy.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1519.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 1519 designates certain lands as wilderness upon their inclusion in the National Wildlife Refuge System and removes certain other lands from the National Wilderness Preservation System.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 1519.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth Executive Agency recommendations relating to S. 1519 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 29, 1982.

HON. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 1519, a bill to designate certain lands in the North Cudjoe Key, Florida, as a member of the National Wildlife Refuge System and the National Wilderness Preservation System, and for other purposes.

We support enactment of the legislation.

The Great White Heron National Wildlife Refuge is composed of numerous islands in the Florida Keys. Two portions of Raccoon Key are included in this refuge: a 24-acre tract in the southwest section of the island and a quarter of an acre in the northeast. The larger tract was designated as part of the Florida Keys Wilderness in 1975 by Public Law 93-632.

On November 1, 1976, the Charles River Breeding Laboratories, Inc. purchased what the company believed to be the entire Raccoon Key, in order to supply rhesus monkeys to the Food and Drug Administration (FDA). Rhesus monkeys are essential for testing the safety of polio vaccine by the FDA's Bureau of Biologics, because physiological similarities of these monkeys to humans make them the only species suitable for such medical tests. The need for domestic production of these animals became critical when India, virtually the world's only supplier, terminated exportation in 1978. An assured supply of rhesus monkey will enable the United States to continue the vital polio immunization program with maximum safety. We have been informed that, of the four colonies of rhesus monkeys being developed by U.S.

suppliers, Raccoon Key has the greatest potential for sustained production.

Achieving the required production level, however, requires the use of an uncaged colony numbering approximately 2,000 monkeys. Without constant policing by Park Service personnel—a costly approach that carries no guarantees of success—such a large free-roaming population would eventually invade the refuge area. Such a situation would not be compatible with either refuge or wilderness objectives.

Under any other circumstances, we would take aggressive action to prevent degradation of refuge and wilderness resources. However, resolution of the present problem is complicated by three factors. First, the FDA has emphasized the need to move forward with this breeding project, for public health reasons. Second, construction of a high fence stretching out into the water would be an unsightly addition to the wilderness area, as well as an ineffective solution due to the monkey's ability to climb or swim around it.

Third, in early 1977, facilities constructed by the laboratory were discovered by Fish and Wildlife Service personnel to be located on the refuge portions of the island and an error in the company's title search was brought to light. Because the laboratory had already invested much valuable time in developing plans and constructing facilities on the Key, it agreed to purchase lands of equal value to Raccoon Key and transfer their title to the United States for inclusion in the National Wildlife Refuge System.

The laboratory has now purchased title to a nearby 73-acre island, North Cudjoe Key, which it will exchange for the Department's holdings on Raccoon Key plus a differential payment of approximately \$66,000. Upon termination of the breeding project, the company will also convey title to the whole of Raccoon Key to the United States for use as a unit of the refuge system. Therefore, eventually all of both islands, totaling 275 acres, will be under Fish and Wildlife Service jurisdiction, as opposed to the present 25 acres.

Although land exchanges fall within the authority of the Secretary of the Interior under the National Wildlife Refuge System Administration Act, as amended, removal of Raccoon Key from the National Wilderness Preservation System, as well as wilderness designation of the land to be acquired on North Cudjoe Key, must be by an Act of Congress. The proposed legislation will withdraw the 25 acres on Raccoon Key from the wilderness system on the date these lands are withdrawn from the National Wildlife Refuge System; in addition, it will designate North Cudjoe Key as wilderness, to be effective when that area is included in the refuge system.

The Administration support enactment of S. 1519, to expedite the necessary changes in wilderness status. While 25 acres of Raccoon Key will be removed from the wilderness system under the bill, 73 acres will be added. North Cudjoe Key is not only larger, but has a greater variety of habitat types, so there will be more and better habitat in the system than there is now. We believe that the national interest and well-being of the people of the United States would be served by this expansion of the wilderness area and by allowing the rhesus monkey breeding program to continue.

The Office of Management and Budget has advised us that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

G. RAY ARNETT
(For Secretary).

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 1519, as ordered reported.

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